

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL A. SHAFFER,

Plaintiff

V.

**SUSAN GRAYBILL, as an :
individual and as Administratrix of the :
Estate of DENNIS M. GRAYBILL; :
MINUTEMAN PRESS :
INTERNATIONAL, INC.; :
and ROBERT EMMETT, :**

Defendants

CIVIL NO. 01-CV-1065

ORDER

The background of this order is as follows:

The captioned matter was remanded to this court by the Third Circuit Court of Appeals with instructions “to dismiss the action or, after giving the parties the opportunity to be heard, transfer the action to an appropriate district court in New York” A conference call was scheduled for August 11, 2003, at 9:15 a.m. Plaintiff was instructed to place the call¹. At the appointed time and date, no call was placed by Plaintiff. Plaintiff was called by a deputy court clerk but there was no answer. Counsel for Defendants were available and, after a brief conference, counsel

¹The July 28, 2003, order scheduling the conference call directed Plaintiff's counsel to place the call; however, Plaintiff's counsel telephoned the court shortly thereafter and advised that the Third Circuit Court of Appeals permitted his withdrawal and that he was no longer representing Plaintiff. At that time, a copy of the scheduling order was mailed to Plaintiff's home address with a memorandum from the deputy court clerk advising Plaintiff to place the call or, if he was unable to place the call, to notify the court and the court would place the call.

was advised by the court that the action would be dismissed. There was no objection to this proposed action.

The parties having been given the opportunity to be heard, **IT IS HEREBY ORDERED THAT** the captioned action is dismissed and the clerk of court shall close the file.

s/Sylvia H. Rambo
Sylvia H. Rambo
United States District Judge

Dated: August 11, 2003.